

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HECTOR CORDERO,

Plaintiff,

– against –

THE CITY OF NEW YORK, Police Officer
HUGO HUGASIAN, Shield #10228;
Lieutenant CHRISTOPHER MORAN; Police
Officer PETER RUBIN, Shield # 00934; and
Police Officer JOHN ESSIG, Shield #08667,
individually and in their official capacity as
New York City Police Officers,

Defendants.

ORDER

15-CV-3436

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 20 2018 ★

BROOKLYN OFFICE

Jack B. Weinstein, Senior United States District Judge:

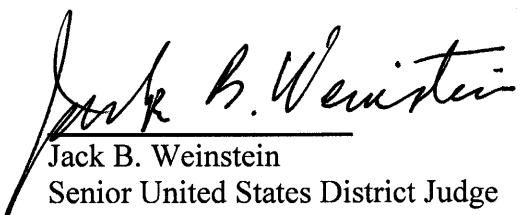
Defendants seek costs and fees after a defense judgement following a jury trial. Plaintiff disputes entitlement to costs on the grounds of timeliness, indigence, public importance, and discovery misconduct.

“[C]osts may be denied because of misconduct by the prevailing party, the public importance of the case, the difficulty of the issues, or the losing party’s limited financial resources.” *Whitfield v. Scully*, 241 F.3d 264, 270 (2d Cir. 2001), *abrogated on other grounds by Bruce v. Samuels*, 136 S. Ct. 627, (2016). Plaintiff’s income for 2017 was below the federal poverty level and the costs sought by defendants are approximately 75% of plaintiff’s yearly income. *See* 2017 Tax Return, ECF No. 181, Ex. 2.

The case was litigated in good faith and was of public importance. Plaintiff cites to several newspaper articles reporting on the case. *See* Plt.’s Br., ECF No. 181.

Because of plaintiff’s financial hardship and the public interest in the case, costs will not be imposed.

SO ORDERED.



Jack B. Weinstein
Senior United States District Judge

Dated: August 16, 2018
Brooklyn, New York